

Pursuant to Civ. L.R. 7-12, Plaintiffs LOPEZ TAX SERVICE, INC., CARLOS C. LOPEZ, KRISTEENA S. LOPEZ and LATINO TAX PROFESSIONALS ASSOCIATION, LLC, (collectively “Lopez”) and Defendant THE INCOME TAX SCHOOL, INC. (“ITS”) hereby stipulate and agree to the following subject to the approval of the Court:

WHEREAS, the above-captioned lawsuit (“*Lopez* suit”) and the action captioned: *The Income Tax School, Inc. v. Lopez Tax Service, Inc., et al.*, United States District Court, Northern District of California, Oakland Division, Case No. CV12-4181-JSW (“*ITS* suit”) were previously deemed related to one another by this Court’s Order entered August 22, 2012 [Docket No. 26]; and

WHEREAS, the *Lopez* suit and *ITS* suit involve common questions of law and fact within the meaning of Fed. R. Civ. P. 42; and

WHEREAS, Lopez and ITS have come to agreements concerning ITS’ pending motion to dismiss the Complaint filed in the *Lopez* suit, and concerning the responsive pleadings to be filed in the *Lopez* and *ITS* suits;

NOW THEREFORE, subject to the approval of the Court Lopez and ITS agree to the following:

1. The *Lopez* suit and the *ITS* suit, previously deemed related to one another by this Court’s Order entered August 22, 2012 [Docket No. 26], shall be and hereby are consolidated pursuant to Fed. R. Civ. P. 42, with the case number of the *Lopez* suit (No. CV12-02654-JSW) as the lead case number for the consolidated action.

2. The presently-pending motion [Docket No. 8] by ITS to dismiss, transfer or stay the first claim for declaratory relief re copyright infringement filed in the *Lopez* suit’s Complaint is denied.

3. The presently-pending motion [Docket No. 8] by ITS to dismiss, transfer or stay the second claim for declaratory relief re disparagement filed in the *Lopez* suit’s Complaint is deemed withdrawn without prejudice.

4. Lopez’ second claim for declaratory relief re disparagement in its Complaint [Docket No. 1] filed in the *Lopez* suit is dismissed without prejudice.

1 5. ITS shall file its answer and any other pleadings it deems necessary in response to the
2 Complaint filed in the *Lopez* suit not later than October 17, 2012.

3 6. Defendant Latino Tax Professionals Association, LLC (the sole remaining *ITS* suit
4 defendant) shall file its answer and any other pleadings it deems necessary in response to the
5 Complaint filed in the *ITS* suit not later than October 17, 2012.

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7 Dated: October 2, 2012

GAUNTLETT & ASSOCIATES

8 By: /s/ Andrew M. Sussman

9 David A. Gauntlett
James A. Lowe
Andrew M. Sussman

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11 Attorneys for Plaintiffs
Lopez Tax Service, Inc., Carlos C. Lopez,
12 Kristeena S. Lopez, and Latino Tax Professionals
Association, LLC

13
14 Dated: October 2, 2012

Nicholas Ranallo, Attorney at Law

15 By: /s/ Nicholas Ranallo

Nicholas Ranallo

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23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 The Case Management Conference is now moved to 1:30 p.m. on Friday
October 26, 2012. The joint CMC statement shall remain due on**

25 Dated: October 3, 2012


UNITED STATES DISTRICT JUDGE

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27 **Friday, October 19, 2012.
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